

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER J. ROUTE,

Defendant.

NO: CR-11-90-RMP

ORDER DENYING DEFENDANT'S
MOTION TO RECONSIDER ORDER
DENYING FURLOUGH

This matter comes before the Court on Defendant Christopher J. Route's motion, filed on the evening of August 15, 2012, for the Court to reconsider the decision of the United States Magistrate Judge denying Mr. Route's motion for a furlough from federal detention to attend his father's funeral in California. Defendant is represented in this matter by CJA-appointed counsel Douglas D. Phelps, and Assistant United States Attorney Aine Ahmed represents the Government. The Court has reviewed the submitted materials, the relevant authority, and is fully informed.

ORDER DENYING DEFENDANT'S MOTION TO RECONSIDER ORDER
DENYING FURLOUGH ~ 1

1 The Government charged Defendant with Distribution of a Mixture or
2 Substance Containing Cocaine Base in violation of 21 U.S.C. § 841(a)(1) (Count
3 1) and Possession with Intent to Distribute 28 Grams or More of Cocaine Base in
4 violation of 21 U.S.C. § 841(a)(1) (Count 2). ECF No. 3. Defendant pleaded
5 guilty to Count 2 of the Indictment on June 21, 2012. The Court has scheduled
6 sentencing for September 18, 2012.

7 According to the declaration of Mr. Route's counsel, Mr. Phelps, Mr.
8 Route's father died on August 2, 2012, and his funeral, as of August 8, was
9 scheduled for August 17, 2012. ECF No. 75 (sealed by Court due to the presence
10 of personal identifiers). The United States Magistrate Judge heard the motion and
11 issued an order on August 9, 2012, denying the motion for furlough, reasoning that
12 "[i]nsufficient information has been presented to reasonably assure that Defendant
13 would be supervisable during [the] furlough." ECF No. 77.

14 When detention is ordered "by a magistrate, or by a person other than a
15 judge of a court having original jurisdiction over the offense ..., the person may
16 file, with the court having original jurisdiction over the offense, a motion for
17 revocation or amendment of the order." 18 U.S.C. § 3145(b). This Court reviews
18 de novo the issue presented to the Magistrate. *See United States v. Koenig*, 912
19 F.2d 1190 (9th Cir.1990).

1 Defendant provides no information regarding potential travel plans or who
2 would be hosting Defendant overnight during a stay in California. Rather, he
3 advises the Court that he was furloughed for his mother's funeral in California
4 seven years ago "without incident." ECF No. 79 at 2. Moreover, the Defendant's
5 motion seeking review of the Magistrate's decision was filed less than 48 hours
6 from the funeral date contained in the record.

7 Having independently reviewed the record in this matter, and while
8 empathizing with Mr. Route's desire to attend his father's funeral, this Court finds
9 that the Magistrate's determination was correct and **DENIES** Defendant's motion
10 for reconsideration of the order denying the furlough, **ECF No. 79**. By statute,
11 Defendant is to be detained pending sentencing by default, *see* 18 U.S.C. § 3143,
12 and none of the enumerated exceptions applies here. Rather, the Court finds that
13 Mr. Route has not demonstrated that any set of safeguards could reasonably ensure
14 that Mr. Route would not be likely to flee or pose a danger to any other person or
15 the community during a furlough. Mr. Route has been convicted since his 2005

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1 furlough of escape from community custody, and he faces a significant sentencing
2 range. *See* ECF No. 78.

3 **IT IS SO ORDERED.**

4 The District Court Executive is hereby directed to enter this order and
5 provide copies to counsel.

6 **DATED** this 17th day of August 2012.

7
8 *s/ Rosanna Malouf Peterson*
9 ROSANNA MALOUF PETERSON
Chief United States District Court Judge